

## **REMARKS**

### **I. Introduction**

Claims 11 to 30 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Rejection of Claims 11 to 30 Under 35 U.S.C. § 112**

Claims 11 to 30 were rejected under 35 U.S.C. § 112, second paragraph as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully submits that claims 11 to 30 fully satisfy the requirements of 35 U.S.C. § 112.

Regarding claim 11, the Final Office Action recognizes that “pressure line” was previously recited yet still alleges that there is no antecedent basis for “the pressure line to annular spaces.” Claim 11 recites “with a pressure-regulating valve being installed in the pressure line to annular spaces, comprising: the pressure-regulating valve (20) constantly correcting the pressure in the annular spaces to the pressure in the piston spaces (3,4).” Respectfully, the “pressure line” in the above excerpt is the same pressure line previously recited earlier in the claim. The language “to annular spaces” is referring to the pressure-regulating valve not the pressure line, such that the relevant portion of the clause reads “pressure-regulating valve to annular spaces” not “pressure line to annular spaces.”

The Final Office Action further alleges that there is no antecedent basis for “piston spaces.” Further, the Final Office Action alleges that the recitation of cylinders is a double inclusion of cylinders earlier recited in the claim. Applicant respectfully submits that claim 11, as amended, overcomes the present 35 U.S.C. § 112 rejection.

The Final Office Action further alleges that the language “predetermined ratio” in claim 11 is not clear and does not have clear antecedent basis in the Specification. The second paragraph of 35 U.S.C. § 112 merely requires that the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. As provided in M.P.E.P. § 2173.02, the “focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph is whether the claim meets the

threshold requirement of clarity and precision.” In this regard, the “essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity.” *Id.* (emphasis added). “Definiteness of claim language must be analyzed, not in a vacuum, but in light of[, *inter alia*, the] content of the particular application disclosure[ and the] claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.” *Id.* If the claims, when read in light of the Specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, the second paragraph of 35 U.S.C. § 112 demands no more. M.P.E.P. § 2173.05(a) (citing *Shatterproof Glass Corp. v. Libbey Owens Ford Co.*, 758 F.2d 613, 225 U.S.P.Q. 634 (Fed. Cir. 1985)). Claim 11 recites that the pressure-regulating valve (20) constantly corrects the pressure in the annular spaces to the pressure in piston spaces (3, 4) of the cylinders in a predefined ratio. Applicant respectfully submits that claim 11 is reasonably clear that the predefined ratio is referring to pressures in the annular and piston spaces. As indicated previously, the disclosure of an actual ratio is not required as what is being claimed is the relative manner of correction of two pressures, i.e., according to a predefined ratio. The Specification has been amended to provide for explicit antecedent basis for the language “predetermined ratio.” Support for this amendment can be found, for example, in original claim 11.

Regarding claim 14, the Final Office Action alleges that it is an article which improperly depends from a method claim. Claim 14 has been amended, as per the Examiner’s suggestion, so as to be placed in independent form and to include the structure recited in claim 11.

Regarding claim 28, as suggested by the Examiner, reference number “60” has been changed to --63--.

Therefore, in view of the foregoing, withdrawal of the 35 U.S.C. §112 rejection and allowance of claims 11 to 30 are respectfully requested.

**III. Allowable Subject Matter**

Applicant notes with appreciation the indication of allowable subject matter contained in claims 11 to 30. The Examiner will note that each of these claims has been amended to overcome the 35 U.S.C. § 112 rejection. It is therefore respectfully submitted that claims 11 to 30 are in condition for immediate allowance.

**IV. Conclusion**

Applicant respectfully submits that all of the pending claims of the present application are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,



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